IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4846 OF 2004
IN
CRIMINAL APPEAL NO. 1337 OF 2004

Vijay Bhaskar Kanna ...Applicant.

V/s

Stat of Maharashtra ...Respondent.

Mr. S.V. Marwadi for the applicant.

Mr. A.M. Shringarpure, APP for the respondent - State.

CORAM: V.M. KANADE, J.
DATE : 22nd November, 2004

P.C.

1. Heard the learned Counsel appearing on behalf of the applicant and the learned Counsel appearing on behalf of the respondent - State.

2. Applicant is convicted under section 326 of the Indian Penal Code and sentenced to suffer R.I. for three years. He is further directed to pay fine of Rs. 20,000/- and, in default, to undergo further R.I. for three months.

3. Prosecution’s case is that the applicant assaulted P.W.1 with knife on the left armpit. There was a quarrel regarding car which was parked in front of the garage where P.W.1 was working. There is a discrepancy in the evidence given by P.W.1 and the

doctor which has been examined by the prosecution. Further, the injuries on the person of the accused/applicant have not been sufficiently explained by the prosecution witnesses.

4. Under the circumstances, applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. Applicant has already paid fine.

V. M. KANADE, J.